

## Information Regarding Review of Support Orders Which are Less Than 36 Months Old

Effective September 1, 2004, any party submitting a written request for review in Georgia must pay a \$100.00 **non-refundable** application fee per case at the time of the request. This fee is waived if you are currently receiving TANF benefits, or if your current gross income is \$1,000 or less per month. The application fee is **non-refundable**, even if the review process is later terminated **for any reason**, and regardless of the outcome of the review. **Please review the following information very carefully** before making a decision to proceed with a request for modification review.

**Review and consider the following information about the review process. Then, Initial all of the items that apply to you before you submit a request with the fee:**

- ☐ I am now receiving TANF benefits, so I do not have to pay the application fee.
- ☐ My current monthly gross income is \$1,000 or less, so I do not have to pay the application fee. If I am employed, I must attach proof of my gross income during the month of my application.
- ☐ My youngest child will NOT turn 18 in the next 12 months.
- ☐ My latest order is less than 36 months old, or my order was reviewed within the past 36 months. I understand that Georgia generally requires that the dollar amount of the support order must change by a minimum of 15% and \$25 from the current order.
- ☐ I understand that the Office of Child Support Enforcement is not responsible for proving my allegations. I must obtain and provide this proof.
- ☐ I understand that as an alternative to the Office of Child Support Enforcement review process, I have the right to hire a private attorney and seek modification of my support order under the provisions of Georgia Law, Official Code of Georgia §19-6-19.

**The following information applies to the Custodial Parent (CP) when they are seeking to prove a substantial change in circumstances as required under Georgia law**

### **NOTICE about a "less - than 36 month" modification review for Custodial Parents**

You generally will be required to justify a review for modification on a "less than 36 month old Order" by proving a substantial change in your circumstances, which occurred since the last order or since the last review was completed.

#### **Examples of substantial change include, but are not limited to:**

- The CP or child has been diagnosed with a serious illness **or** they had an accident that occurred since the last order or since the last review was completed, which will have a lasting effect on the child(ren)'s needs.
- The CP applicant requesting a modification review is now receiving welfare benefits (TANF).
- The non-requesting party has had an unanticipated windfall of money, such as a party winning a large sum from the lottery, inheritance of money.
- A parent suffers an involuntary loss of income resulting in a minimum 25% loss.

#### **Examples which in most cases are not considered substantial changes:**

- Changes in either parent's income, depending on the facts surrounding each, marital status, or acquiring new possessions (such as a new home or vehicle).
- The applicant taking on new obligations, such as other children, going into debt unnecessarily, or quitting work to return to school.

The following information applies to the **Non-Custodial Parent (NCP)** when they are seeking to prove a substantial change in circumstances as required under Georgia law

**Notice about a "less - than 36 month" Modification Review for Non-Custodial Parents**

You generally will be required to justify a review for modification on a "less than 36 month old Order" by proving a substantial change in your circumstances affecting your ability to earn a living or pay child support.

**Examples of substantial change include, but are not limited to:**

- You have been diagnosed with a serious illness or medical condition that affects your ability to earn income since the last order or since the last review was completed. The effects must be expected to last for over a year and not expected to be relieved for at least another year.
- You as the requesting party now receive Welfare benefits (TANF).
- You receive a financial windfall, win the lottery or inherit money or financial assets.
- You suffer an involuntary loss of income resulting in a minimum 25% loss.

**Examples which in most cases are not considered substantial changes:**

- You are unemployed or under-employed, depending on the facts surrounding each, these may not be considered a substantial change.
- You got a new job paying less than when you got your support order. You must show why you lost the previous higher paying job and that it was not because of your actions or choice and explain why you cannot obtain a comparable job/income as before.
- You incur new financial obligations; i.e., starting a new family, going into debt to purchase a house.

If the agency begins the review and finds there is proof of a substantial change in circumstances, the applicant will be notified of additional information that will be needed, and a full review will begin.

If the agency finds that your situation does not meet the requirements of a substantial change in circumstances, you will be notified your request for review is being denied. Your application fee will not be refunded.

**IF AFTER READING THE ABOVE YOU DECIDE TO PROCEED AND PAY THE FEE**, OCSE will assume that you understand the requirements for payment of the fee, that the fee is non-refundable, and that you are voluntarily submitting the fee with your written request for the review.

**If you fully understand and wish to proceed, initial and sign below where indicated and include the \$100.00 non-refundable application fee.**

**Under the penalty of perjury, I do hereby swear and affirm that the information I provided on the Application for Review and Modification Services is accurate and true to the best of my knowledge. I understand the criminal penalties for making false statements and false swearing under O.C.G.A. §16-10-71 is punishable by a fine of not more than \$1,000 or by imprisonment of one year or more, or both. I do hereby attest to the truthfulness of the information provided.**

**By submitting this form and \$100.00 non-refundable fee (if applicable) to my local Office of Child Support Enforcement, I am requesting a Review of my Order for possible Modification.**

\_\_\_\_\_  
Print Your Name

\_\_\_\_\_  
Print the Name of the Other Party

\_\_\_\_\_  
Your Home Address, City, State and Zip Code

Your OCSE Case Number: \_\_\_\_\_ Your Social Security# \_\_\_\_\_

Your Telephone Number: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Your E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Today's Date

## **Request for Review of my Support Order**

I, \_\_\_\_\_, am requesting that my child support case be **reviewed** for consideration for a possible modification of my support amount. I understand that I may be required to pay a \$100.00 non-refundable fee per case for this process to begin.

I understand that the resulting support amount may **increase, decrease, or remain unchanged** based on the available financial/medical information provided by me.

I also understand if my order is **less than 36 months old**, I will be required to include with this request, evidence or documentation of a **“substantial change in circumstances.”** I understand without any evidence or documentation to support my allegations of a substantial change in circumstances, my request for review will be denied or a recommendation of no change issued and my fee will not be refunded.

I also understand I will be required to complete and return all forms necessary for the modification process.

### **Why I believe my child support case should be modified:**

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### **PLEASE PRINT THE FOLLOWING INFORMATION:**

My Name: \_\_\_\_\_ My OCSS Case #: \_\_\_\_\_

Name of the Other Party: \_\_\_\_\_

Children Name(s): \_\_\_\_\_

My Phone No: \_\_\_\_\_ Cell Phone No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

My Address: \_\_\_\_\_  
\_\_\_\_\_

**Note:** If active Military, please provide address for service of process.

My Place of Employment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Divorce Order: \_\_\_\_\_ County/State of Divorce: \_\_\_\_\_

My residential county: \_\_\_\_\_ State of \_\_\_\_\_

My relationship to the other party regarding the child(ren) in THIS case:

☐ Married, but separated; ☐ Never Married; ☐ Custodian/Guardian, and not a parent to the child(ren);

☐ Parents divorced on: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_/\_\_\_\_/\_\_\_\_ (County/State)

Original Support Order: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_/\_\_\_\_/\_\_\_\_ (County/State)

Last Modification Order: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_/\_\_\_\_/\_\_\_\_ (County/State)

☐ I have attached copies of ALL orders.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Today's Date**